

MEMORANDUM

June 27, 1985

TO: Boston Redevelopment Authority and
Stephen Coyle, Director

FROM: Richard P. Garver, Deputy Director and
William Arthur Reilly, Project Coordinator

SUBJECT: **Charlestown Urban Renewal Area Mass. R-55**
Disposition Parcel R-17F

Disposition Parcel R-17 is vacant land located between Henley, Putnam and Park Streets and the entire site consists of approximately 90,000 square feet. The majority of this will be developed when the North Terminal Artery improvements are completed in 1981. Parcel R-17F consists of approximately 2,300 square feet of this larger site and is located beside 47-49 Park Street owned by Mr. Thomas Howley.

Mr. Thomas Howley and Mr. Kueny residents of Charlestown have submitted a proposal to relocate a Greek Revival House located at 44-46 Warren Street across the street to this vacant site. This building is within the area being developed by James Adams and is scheduled to be demolished. The building is approximately 140 years old and has been abandoned for many years. Mr. Howley and Mr. Kueny plan to move the structure, "restore the exterior, make the interior structurally sound, landscape this site and sell the houses as finished shells to owner occupants." This proposal has been greeted with enthusiastic support from the neighborhood and many Charlestown residents interested in historic preservation as well as the Preservation Society. The developers have received bids for site preparation, foundation construction, moving the house and replacing the clapboards, windows, repairing the roof and necessary exterior masonry work. Including architectural and land survey services, this estimate is \$72,000 based upon the description of the project. The developers have received a letter of interest from the Workingmen's Cooperative Bank indicating its interest in providing the financing.

Since the timeliness of the relocation of this structure is critical so as not to impede the construction schedule of Tontine Crescent, the developers must relocate this structure within 90 days. If the developers are unable to meet this schedule, Tontine Crescent will not guarantee the availability of the houses.

It is therefore recommended the Authority tentatively designate Mr. Thomas Howley and Mr. Alan Kueny as redevelopers of Parcel R-17F in the Charlestown Urban Renewal Area.

An Appropriate Resolution is attached.

Charlestown

R-17A

Elwood and Putnam Sts.
6,031 sq. ft.

R-17F
PARK ST.

Putnam St.
PARK ST

DISPOSITION
PARCELS



Charlestown
City of Boston
Department of Public Works



RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
RE: TENTATIVE DESIGNATION OF THOMAS R. HOWLEY AND
ALLAN R. KUENY
DISPOSITION PARCEL R-17F
IN THE CHARLESTOWN URBAN RENEWAL AREA
PROJECT NO. MASS. R-55

WHEREAS, the Boston Redevelopment Authority, (hereinafter referred to as the "Authority"), has entered into a contract for loan and capital grant with the Federal Government under Title I of the Housing Act of 1949, as amended, which contract provides for financial assistance in the hereinafter identified Project; and

WHEREAS, the Urban Renewal Plan for the Charlestown Urban Renewal Area, Project No. Mass. R-55, (hereinafter referred to as the "Project Area"), has been duly reviewed and approved in full compliance with local, State and Federal law; and

WHEREAS, the Authority is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal projects with Federal financial assistance under said Title I, including those prohibiting discrimination because of race, color, sex, religion or national origin; and

WHEREAS, Thomas R. Howley and Allan R. Kueny have expressed an interest in and have submitted a satisfactory proposal for the development of Disposition Parcel R-17F in the Charlestown Urban Renewal Area; and

WHEREAS, the Authority is cognizant of Chapter 30, Sections 61 through 62H of the Massachusetts General Laws, as amended, with respect to minimizing and preventing damage to the environment:

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That Thomas R. Howley and Allan R. Kueny be and hereby is tentatively designated as Redeveloper of Disposition Parcel R-17F in the Charlestown Urban Renewal Area subject to:

- (a) Concurrence in the proposed disposal transaction by the Department of Housing and Urban Development;
- (b) Publication of all public disclosure and issuance of all approvals required by the Massachusetts General Laws and Title I of the Housing Acts of 1949, as amended;
- (c) Submission within ninety (90) days in a form satisfactory to the Authority of:
 - (i) Evidence of the availability of necessary equity funds, as needed; and

- THE COMMONWEALTH OF MASSACHUSETTS
STATE CIVIL COMMISSION
- (ii) Evidence of firm financial commitments from banks or other lending institutions; and
- (iii) Final Working Drawings and Specifications; and
- (iv) Proposed development and rental schedule.
- CONFIDENTIAL

2. That disposal of Parcel R-17F by negotiation is the appropriate method of making the land available for redevelopment.

3. That it is hereby found and determined that the proposed development will not result in significant damage to or impairment of the environment and further, that all practicable feasible means and measures have been taken and are being utilized to avoid or minimize damage to the environment.

4. That the developer be and hereby are authorized to petition the Board of Appeals for any zoning changes that may be necessary to complete the proposed development.

5. That the Developer is given permission for yearly entry on the site for excavation for a foundation and that the Developer is authorized to apply to the Building Department of the City of Boston for a Foundation Permit.

6. That the Secretary is hereby authorized and directed to publish notice of the proposed disposal transaction in accordance with Section 105(E) of the Housing Act of 1949, as amended, including information with respect to the "Redeveloper's Statement for Public Disclosure" (Federal Form H-6004).



THE COMMONWEALTH OF MASSACHUSETTS
STATE ETHICS COMMISSION

ONE ASHBURTON PLACE ROOM 1413
BOSTON, MASSACHUSETTS 02108
727-0060

CONFIDENTIAL

COMMISSION MEMBERS

COLIN S. DIVER (CHAIRMAN)
DAVID BRICKMAN
FRANCES M. BURNS
JOSEPH I. MULLIGAN, JR.
CONSTANCE M. SWEENEY

ANDREW B. CRANE
EXECUTIVE DIRECTOR

June 19, 1985

Thomas R. Howley
General Counsel
EDIC/Boston
38 Chauncy Street, 9th Floor
Boston, MA 02111

RE: CONFLICT OPINION NO. EC-COI-85-51

Dear Mr. Howley:

In response to your recent request, the State Ethics Commission has issued the enclosed advisory opinion which addresses the application of G.L. c. 268A to the specific situations which you have described. In rendering this opinion, the Commission has relied upon the facts as you have stated them and has not conducted an independent investigation of those facts.

Please let us know if you have any questions on the matters covered in this advisory opinion.

Very truly yours,

Andrew B. Crane
Executive Director

ABC/sb
Enclosure

The Commonwealth of Massachusetts State Ethics Commission

CONFIDENTIAL

John W. McCormack State Office Building, Room 1413
One Ashburton Place, Boston 02108
Telephone (617) 727-0060

CONFLICT OF INTEREST OPINION NO. EC-COI-85-51

FACTS:

You are general counsel to the Economic Development and Industrial Corporation of Boston (EDIC). You and a partner wish to purchase a parcel of land from the Boston Redevelopment Authority (BRA). You state that the EDIC has no regulatory authority over the BRA.

When the BRA has parcels of land available for redevelopment, either of two processes is used to dispose of them. A developer kit is prepared for larger parcels and a public notice soliciting responses from individual developers is published. Smaller parcels generally do not receive this treatment. They are held by the BRA, and persons or entities interested in developing a particular parcel may approach the BRA. This latter process was utilized here.

In this case, the BRA informed you that you and your partner would have to secure community support for your proposal before it would be approved. You met with surrounding neighbors and abutters, many of whom expressed their approval in letters to the BRA. The Charlestown Preservation Society also registered its support of the proposal. The BRA had published in the Boston Herald and the Charlestown Patriot a legal notice about the proposal, the principals involved, and the date and time of the BRA meeting at which it was to be considered.

QUESTION:

May you and your partner purchase the parcel of land from the BRA?

ANSWER:

Yes.

DISCUSSION:

As General Counsel to the EDIC, you are a municipal employee for purposes of the state conflict of interest law, G.L. c. 268A, and, as a result, are subject to the provisions of that statute.

Section 20 of the conflict law prohibits a municipal employee from having a financial interest in a contract made by a municipal agency. The BRA is a municipal agency, see G.L. c. 121B, §7, and the agreement between you and the BRA for the sale of the land in question would be a contract in which you would have a financial interest. Therefore, unless you can qualify for one of the exemptions to §20 in that statute, you are prohibited from purchasing the land from the BRA.

There are several exemptions from the §20 limitation on financial interests in municipal contracts. Section 20(b) provides that the limitation shall not apply to:

a municipal employee who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the municipal employee files with the clerk of the city or town a statement making full disclosure of his interest and the interests of his immediate family in the contract...

You are not employed by the BRA and you state that EDIC does not regulate the BRA's activities. Therefore, as long as the process used by the BRA satisfies the requirement of "public notice" set out in the exemption, and you file the required disclosure, your financial interest in the sale of the land by the BRA will not be prohibited by §20.

The term "public notice" is not defined in §20(b), but the Commission has found the requirement to be satisfied by various processes. See, e.g. EC-COI-83-35; 83-37; 83-56; 84-34.1/ In each of these cases, the process was

1/These citations refer to previous advisory opinions issued by the Commission. Copies of these and all other advisory opinions may be obtained at the Commission's offices.

THURFIRE CRESCENT ASSOCIATES, INC.
100 Main Street
Charlestown, Massachusetts 02129

Thomas R. Howley
EC-COI-85-51
Page 3

sufficiently open that the impression that public employees had unique or special access to those contracts was dispelled.

In EC-COI-83-37, the Commission ruled that a general announcement to the public that a state agency would be making certain development funds available, and a post-application public hearing regarding the proposed development were sufficient to satisfy the public notice requirement. The process used by the BRA is similar to that approved in EC-COI-83-37. Attempts were made by the BRA, and by you at the BRA's direction, to make interested parties aware of the proposed land sale. Those parties were also notified of where and when to appear to support or object to the proposal. Therefore, this process offered "the vestiges of openness that are contemplated by the [public notice requirement]." EC-COI-83-37. Therefore, if you file the appropriate disclosure of your financial interest with the city clerk, you will be in compliance with §20(b) and may proceed with the purchase of the parcel of land from the BRA.

DATE AUTHORIZED: June 18, 1985

1. An agreed upon specification for said work, including
2. A schedule of completion for said work, and
3. Timely payment of said work, so our project is not delayed.

We are looking forward to an early meeting with Messrs. Howley and Kurney to expedite their project and we wish them success.

THURFIRE CRESCENT ASSOCIATES, INC.
President
THURFIRE CRESCENT ASSOCIATES, INC.

cc: Mr. Howley & Kurney
100 Main Street, 2nd
Charlestown, Mass.

TONTINE CRESCENT ASSOCIATES, INC.
104 Main Street
Charlestown Massachusetts 02129

TO: Boston Redevelopment Authority
DATE: May 16, 1985
SUBJECT: 44-46 Warren Street
Charlestown, Ma.
Attn: Wm. A. Reilly, Project Director

Dear Mr. Coyle,

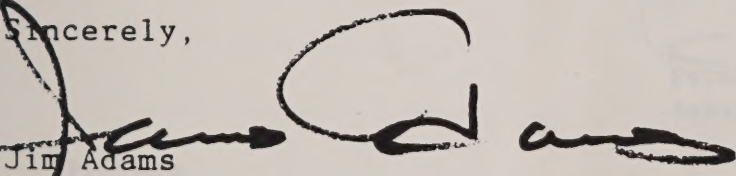
Tontine Crescent Associates, Inc. are delighted that Messrs. Howley and Kueney will remove subject building to a new location for rehabilitation.

Our only requirements are as follows:

1. Proper documentation and insurance to totally indemnify us in all aspects of this move.
2. An agreed upon specification for said move, i.e., existing ell fireplace mass to be preserved for our re-use etc.
3. Timely removal of building, so our project is not delayed.

We are looking forward to an early meeting with Messrs. Howley and Kueney to expedite their project and we wish them success.

Sincerely,


Jim Adams
President
Tontine Crescent Assoc., Inc.

cc: Mssrs. Howley & Kueney
John Bradley, Esq.



WORKINGMENS CO-OPERATIVE BANK

100 N. Main Street
Charlestown, MA 02129
(617) 552-1100

April 17, 1985

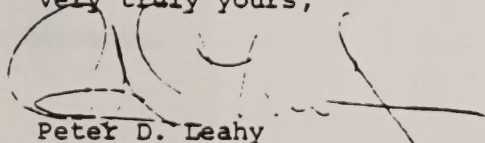
Mr. Allan R. Kueny
Mr. Thomas R. Howley
12 Common Street
Charlestown, MA 02129

Gentlemen:

Having reviewed your proposal for the move of the property located at 44-46 Warren Street, Charlestown to a parcel of land situated next to your existing residence at 47-49 Park Street, Charlestown, I am writing to express the bank's interest in providing financing for this project.

Subject to land acquisition approval from the BRA, we would appreciate your contacting this office in order that a formal application for financing may be considered.

Very truly yours,



Peter D. Leahy
Assistant Vice President

PDL:krb

REDEVELOPER'S STATEMENT FOR PUBLIC DISCLOSURE¹

A. REDEVELOPER AND LAND

1. a. Name of Redeveloper: Thomas R. Howley and Allan R. Kueny
 b. Address and ZIP Code of Redeveloper: respectively, 47-49 Park Street and 14 Common St
 Charlestown, MA 02129
 c. IRS Number of Redeveloper: N/A

2. The land on which the Redeveloper proposes to enter into a contract for, or understanding with respect to the purchase or lease of land from

Boston Redevelopment Authority
 (Name of Local Public Agency)

in Charlestown, Massachusetts
 (Name of Urban Renewal or Redevelopment Project Area)

in the City of Boston, State of Massachusetts
 is described as follows²

Approximately 2,500 SF of vacant land which is a portion of a vacant lot owned by the BRA and located adjacent to the home of Mr. Howley, all as approximately bounded by Park Street, Mr. Howley's property, and the Henley Street exit ramp.

3. If the Redeveloper is not an individual doing business under his own name, the Redeveloper has the status indicated below and is organized or operating under the laws of (Redeveloper is two individuals)

- ☐ A corporation.
☐ A nonprofit or charitable institution or corporation.
☐ A partnership known as
☐ A business association or a joint venture known as
☐ A Federal, State, or local government or instrumentality thereof.
☐ Other (explain)

4. If the Redeveloper is not an individual or a government agency or instrumentality, give date of organization
 N/A

5. Names, addresses, title of position (if any), and nature and extent of the interest of the officers and principal members, shareholders, and investors of the Redeveloper, other than a government agency or instrumentality, are set forth as follows:

Allan R. Kueny and Thomas R. Howley shall have equal fifty percent (50%) interest in the proposed rehabilitation.

¹ If space on this form is inadequate for any requested information, it should be furnished on an attached page which is referred to under the appropriate numbered item on the form.

² Any convenient means of identifying the land (such as block and lot numbers or street boundaries) is sufficient. A description by metes and bounds or other technical description is acceptable, but not required.

- a. If the Redeveloper is a corporation, the officers, directors or trustees, and each stockholder owning more than 10% of any class of stock! N/A
- b. If the Redeveloper is a nonprofit or charitable institution or corporation, the members who constitute its board of trustees or board of directors or similar governing body. N/A
- c. If the Redeveloper is a partnership, each partner, whether a general or limited partner, and either the percent of interest or a description of the character and extent of interest. N/A
- d. If the Redeveloper is a business association or a joint venture, each participant and either the percent of interest or a description of the character and extent of interest. N/A
- e. If the Redeveloper is some other entity, the officers, the members of the governing body, and each person having an interest of more than 10%.

NAME, ADDRESS, AND ZIP CODE

POSITION TITLE (if any) AND PERCENT OF INTEREST OR DESCRIPTION OF CHARACTER AND EXTENT OF INTEREST

N/A

6. Name, address, and nature and extent of interest of each person or entity (not named in response to Item 5) who has a beneficial interest in any of the shareholders or investors named in response to Item 5 which gives such person or entity more than a computed 10% interest in the Redeveloper (for example, more than 20% of the stock in a corporation which holds 30% of the stock of the Redeveloper, or more than 30% of the stock in a corporation which holds 20% of the stock of the Redeveloper):

NAME, ADDRESS, AND ZIP CODE

DESCRIPTION OF CHARACTER AND EXTENT OF INTEREST

N/A

7. Names (if not given above) of officers and directors or trustees of any corporation or firm listed under Item 5 or Item 6 above:

N/A

B. RESIDENTIAL REDEVELOPMENT OR REHABILITATION

(The Redeveloper is to furnish the following information, but only if land is to be redeveloped or rehabilitated in whole or in part for residential purposes.)

¹ If a corporation is required to file periodic reports with the Federal Securities and Exchange Commission under Section 13 of the Securities Exchange Act of 1934, so state under this Item 5. In such case, the information referred to in this Item 5 and in Items 6 and 7 is not required to be furnished.

1. State the Redeveloper's estimates, exclusive of payment for the land, for:

- a. Total cost of any residential redevelopment. \$ N/A
- b. Cost per dwelling unit of any residential redevelopment. \$ N/A
- c. Total cost of any residential rehabilitation \$ 90,000.*
- d. Cost per dwelling unit of any residential rehabilitation \$ 45,000.*

2. a. State the Redeveloper's estimate of the average monthly rental (if to be rented) or average sale price (if to be sold) for each type and size of dwelling unit involved in such redevelopment or rehabilitation:

TYPE AND SIZE OF DWELLING UNIT	ESTIMATED AVERAGE	ESTIMATED AVERAGE
	MONTHLY RENTAL	SALE PRICE
	\$	\$
Two (2) 1,500 SF 3 1/2 story adjoining Greek Revival wooden frame homes built in approximately 1840.	N/A	\$100,000 per dwelling unit

*The dwelling units in question will be made structurally sound, a new foundation constructed on the land proposed for acquisition, the units will be moved to the new location, and the exterior of the units fully restored in a manner consistent with their original construction. The units will then be sold to purchasers who will then complete the interior, obtain all necessary occupancy permits, and occupy the units.

b. State the utilities and parking facilities, if any, included in the foregoing estimates of rentals:

N/A

c. State equipment, such as refrigerators, washing machines, air conditioners, if any, included in the foregoing estimates of sales prices: None

CERTIFICATION

I (We)¹ Thomas R. Howley and Allan R. Kueny

certify that this Redeveloper's Statement for Public Disclosure is true and correct to the best of my (our) knowledge and belief.²

Dated: 5/14/85

Thomas R. Howley
Signature

in my individual capacity

Title

47 -49 Park Street, Charlestown, MA

Address and ZIP Code

Dated: 5/14/85

Allan R. Kueny
Signature

in my individual capacity

Title

14 Common Street, Charlestown, MA

Address and ZIP Code

¹ If the Redeveloper is an individual, this statement should be signed by such individual; if a partnership, by one of the partners; if a corporation or other entity, by one of its chief officers having knowledge of the facts required by this statement.
² Penalty for False Certification: Section 1001, Title 18, of the U.S. Code, provides a fine of not more than \$10,000 or a term of not more than five years, or both, for knowingly and willfully making or using any false writing or document, or the same to contain any false, fictitious or fraudulent statement or entry in a matter within the jurisdiction of any Department of the United States.

